

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO. 5:17-CR-27-BO

UNITED STATES OF AMERICA,  
Plaintiff,

v.

CARLOS MIRANDA-LOPEZ,  
Defendant.

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ORDER

This matter is before the Court on defendant's motion to obtain copies of court documents without payment. [DE 79]. For the reasons stated herein, defendant's motion is DENIED.

BACKGROUND

Defendant was sentenced on September 7, 2017 to a term of 120 months' imprisonment, after pleading guilty to conspiracy to distribute and possess with intent to distribute 5 kilograms or more of cocaine, in violation of 21 U.S.C. § 846 and § 841(b)(1)(A), and possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1)(A). Defendant did not file a direct appeal of his conviction or sentence. Defendant filed the instant motion on May 21, 2018, requesting a copy of his docket report. Defendant is requesting these documents to aid him in the filing of a motion pursuant to 28 U.S.C. § 2255.

DISCUSSION

"[T]he Fourth Circuit requires indigent defendants to show a 'particularized need'" for requested documents prior to their being provided at government expense. *United States v. Holloman*, 2013 U.S. Dist. LEXIS 99748, \*3 (E.D.N.C. Jul. 17, 2013); *see also* 28 U.S.C. § 753(f) (United States shall pay the fee for transcript where action under § 2255 has been certified

not to be frivolous). An indigent defendant is not entitled to a transcript at government expense in order to “merely [] comb the record in the hope of discovering some flaw.” *United States v. Glass*, 317 F.2d 200, 202 (4th Cir. 1963). Defendant has not provided any justification to receive the requested documents at government expense other than his intent to file a § 2255 motion. Accordingly, in the absence of any demonstration otherwise, it appears defendant seeks merely to “comb the record.” His motion requesting copies of court documents without payment is therefore denied.


The relief defendant seeks regarding the alleged failure of his attorney to file a notice of appeal is that which would be granted by a motion to vacate under § 2255. Accordingly, the clerk is DIRECTED to send to defendant the necessary forms for filing a motion to vacate in this Court.

#### CONCLUSION

For the foregoing reasons, defendant’s motion to obtain copies [DE 79] is DENIED.

SO ORDERED.

This the 25 day of July, 2018.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE